

01/18/2007

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-308A

NAME AND ADDRESS: JIMMIE R WALKER
PO BOX 400
BELLEVUE ID 83313

KATHY M WALKER
PO BOX 400
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.920 CFS

PRIORITY DATE: 05/14/1886

POINT OF DIVERSION:

T02N R18E S36 NESWNW Lot 3 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.920 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R18E S13	SESW	0.10	T01N R18E S13	NWSE	23.70
T01N R18E S13	SWSE	3.60			

27.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 27.4 acres in a single irrigation season. Combined Right Nos.: 37-235C, 37-236A, and 37-308A.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

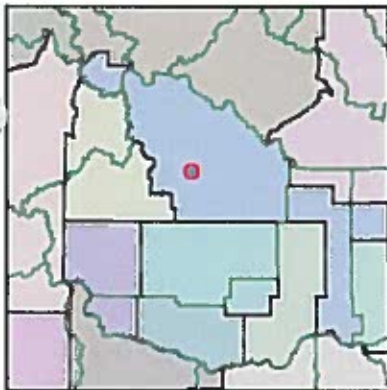
SRBA Recommendation:

37-308A

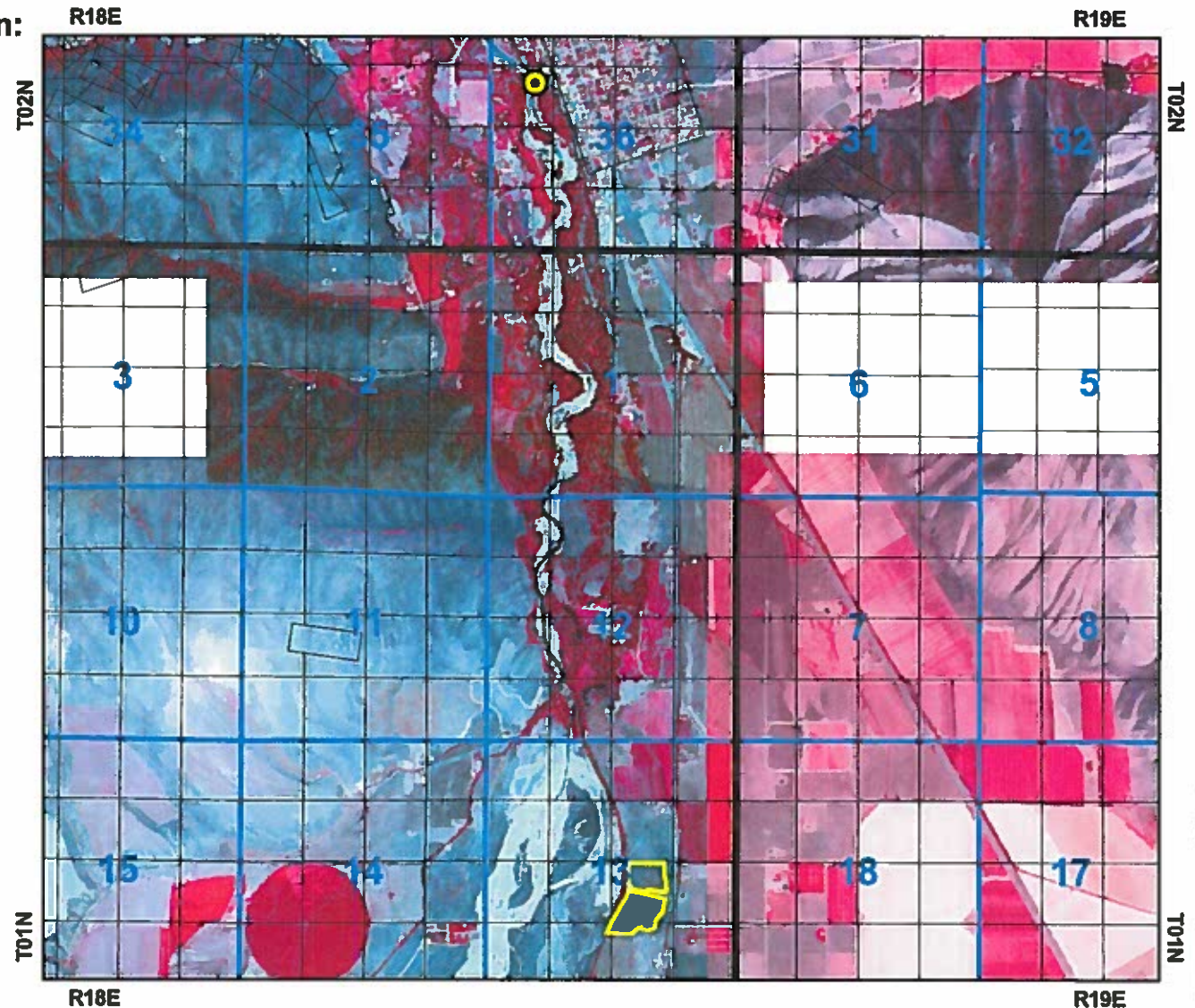
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



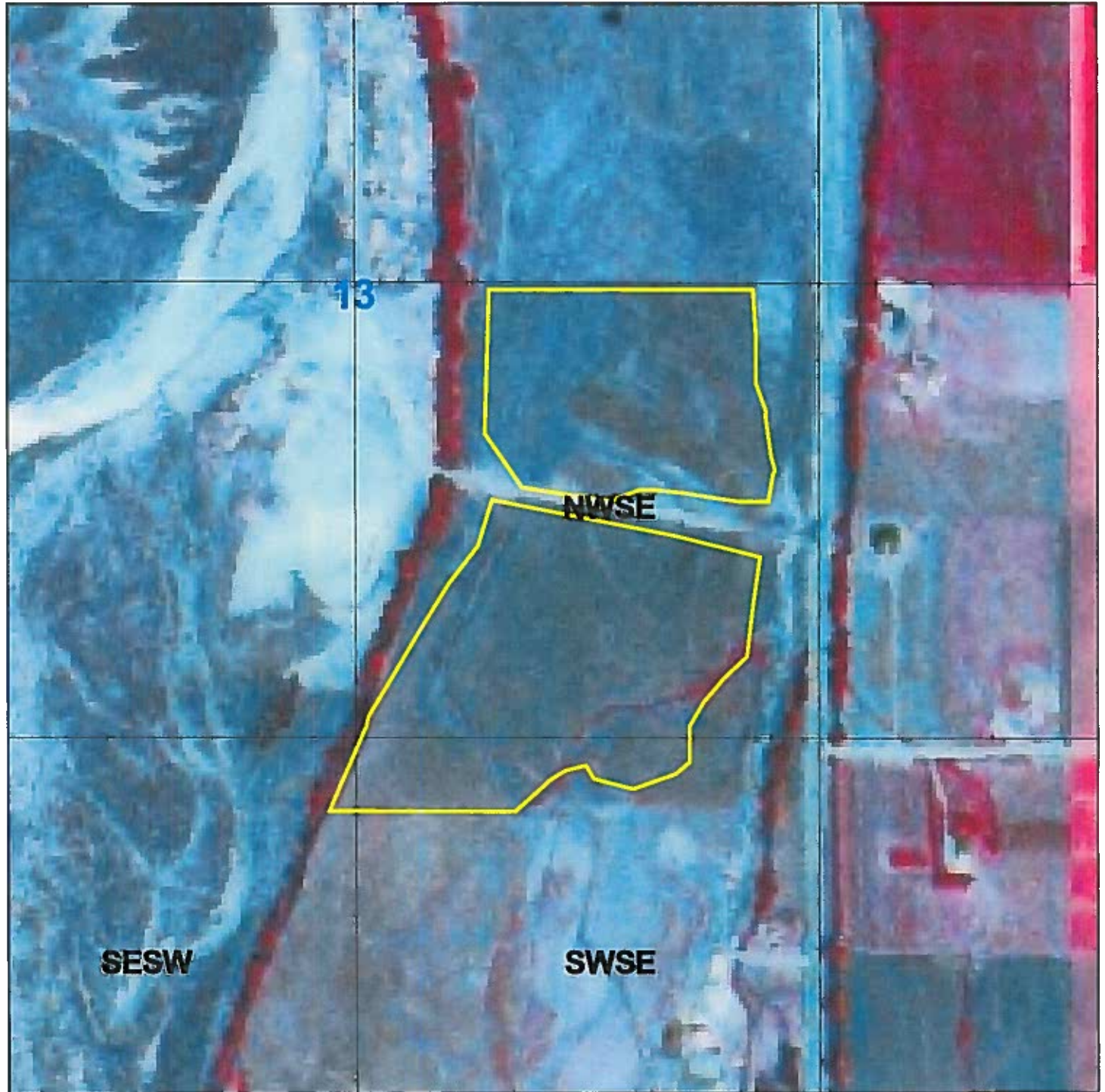
0 2 4 Miles

Prepared by J. Roberts
On Thursday, January 18, 2007
1987/88 Aerial Photography

Owner: Jimmie R Walker

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

37-308A



Robertson, Jean

From: Robertson, Jean
Sent: Thursday, January 18, 2007 11:13 AM
To: 'Charles G. Brockway'
Subject: RE: 37-308A

I've taken care of it. Don't really know what happened or how but it was probably something I did, albeit accidentally! Good catch though and I'm glad you noticed the problem before it went to Director's Report! Attached should be the corrected version! Thanks, Jeanie

-----Original Message-----

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Thursday, January 18, 2007 10:12 AM
To: Robertson, Jean
Subject: 37-308A

Jeanie,
I faxed that over. If you could send me a quick e-mail once the problem has been fixed, I'd appreciate it.

Thanks,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

1/18/2007

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-308A
Date Received: 4/20/1989
Receipt No: X999999
Received By: *Not*

**AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

JIMMIE R WALKER Phone: (208) 788-4525
PO BOX 400
BELLEVUE ID USA 83313

KATHY M WALKER Phone: (208) 788-4525
PO BOX 400
BELLEVUE ID USA 83313

2. Date of Priority: 05/14/1886

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	36	SW NW	BLAINE	

5. Description of diverting works:

HEADGATE #45, DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.92	

7. Total Quantity Appropriated is:

0.92 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01N	18E	13	SE SW	IRRIGATION	0.2
			NW SE	IRRIGATION	23.6
			SW SE	IRRIGATION	3.6
				Section Acres	27.4

Total Acres 27.4

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

11/19/2002: CLAIM AMENDED PER NOTICE RECEIVED 11/15/2002. CHANGED POU AND SEASON OF USE. OWNERSHIP CHANGED PER DEED SUBMITTED. - VH

TRANS. 258.

6.6 CFS DECREEED WOOD RIVER WATER CLAIMED & USED ON 101 ACRES.

***** THIS IS A PORTION OF A37-00308 WHICH WAS SPLIT WHEN HEATH- MARSHALL INC SOLD THE 84 ACRES IN SECTION 24 AND .68 CFS TO JIM AND JO AN WALKER. COPY OF DEED AND MAP SUBMITTED.
2/24/98 jr

15. Basis of Claim: Decreed

AMENDED 37-30A

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 15 2002

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) Jimmie R. Walker and Kathy M. Walker Phone (208) 788-4525
Mailing Address P.O. Box 400, Bellevue, ID Zip 833132. Date of Priority (Only one (1) per claim) 5/14/18863. Source of water supply (a) Big Wood River
which is tributary to (b) Malad River4. a. Location of existing point of diversion is: Township 2N Range 18E Section 36,
1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. District 45 canal

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/1 to 10/31 amount 0.92 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.92 (cfs) and / or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for together purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	18E	13												0.2		23.6	3.6		27.4

Total number of acres irrigated 27.4

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Claims 37-235C, 37-236A Or None ☐

14. Remarks:

This amended claim is being filed to more accurately reflect historical irrigated
acreage on applicants property. Claimant acquired property from Heath-Marshall, Inc.
See attached deed.

Last Name _____ Ident. No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 37-308
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☐ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date 10/29/02
[Signature] Date 10/29/02

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
Of _____, that I have signed the foregoing
Organization
Document in the space below as _____ of _____
Title Organization

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho / or _____)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 29 day of Oct, 2002
SEAL Notary Public Rose Jacobson
Residing at BELLEVEUE, ID
My Commission Expires 7-17-04



Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing
above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Order No. 28342

This Deed is being
re-recorded to correct
the water rights.

Instrument # 454181

HAILEY, BLAINE
2001-08-10 10:12:16:00 No. of Pages: 2
Recorded for ERI TITLE
MARSHA RIEDEL
Ex-Officio Recorder Deputy
Index to: CORRECTION DEED Fee: 5.00

CORPORATION
WARRANTY DEED

454181

FOR VALUE RECEIVED

HEATH-MARSHALL, INC.

a corporation duly organized and existing under the laws of the State of Idaho, does hereby GRANT, BARGAIN,
SELL and CONVEY unto

JIMMIE R. WALKER and KATHY M. WALKER, husband and wife

GRANTEE whose address is: P. O. Box 452 Hailey, ID 83333

the following described real property in Blaine County, Idaho, to wit:

Lot 1D and Parcel A of A REPLAT OF LOT 1, BLOCK 1, AGGREGATE ACRES SUBDIVISION, according to
the official plat thereof, recorded as Instrument No. 434576, records of Blaine County, Idaho. ***

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in
federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances
of any governmental unit.

This document may be executed simultaneously in one or more counterparts, each of which shall be
deemed an original but all of which together shall constitute one and the same instrument.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's
heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is
the owner in fee simple of said premises; that they are free from all encumbrances except as above described and
that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate
name to be hereunto subscribed by its President, Vice-President, Secretary or Assistant Secretary.

Dated: July 10, 2001

Heath-Marshall, Inc.

BY: JOHN F. HEATH, PRESIDENT

BY: GLEN S. MARSHALL, SECRETARY

State of UTAH

County of SALT LAKE

On this 11 day of July in the year 2001, before me, the undersigned, personally appeared JOHN F. HEATH
known or identified to me to be the president of the corporation that executed the instrument or the person who
executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the
same.

WITNESS my hand and official seal.

Notary Public

Commission Expires: 10-30-02

State of

County of

On this day of July in the year 2001, before me, the undersigned, personally appeared GLEN S.
MARSHALL known or identified to me to be the secretary of the corporation that executed the instrument or the
person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation
executed the same.

WITNESS my hand and official seal.

Notary Public

Commission Expires:

*** TOGETHER WITH THE FOLLOWING DESCRIBED
WATER RIGHTS:

A37-00235A 29 inches, priority date .58 cfs

June 15, 1883

A37-00236 114 inches, priority date 2.32

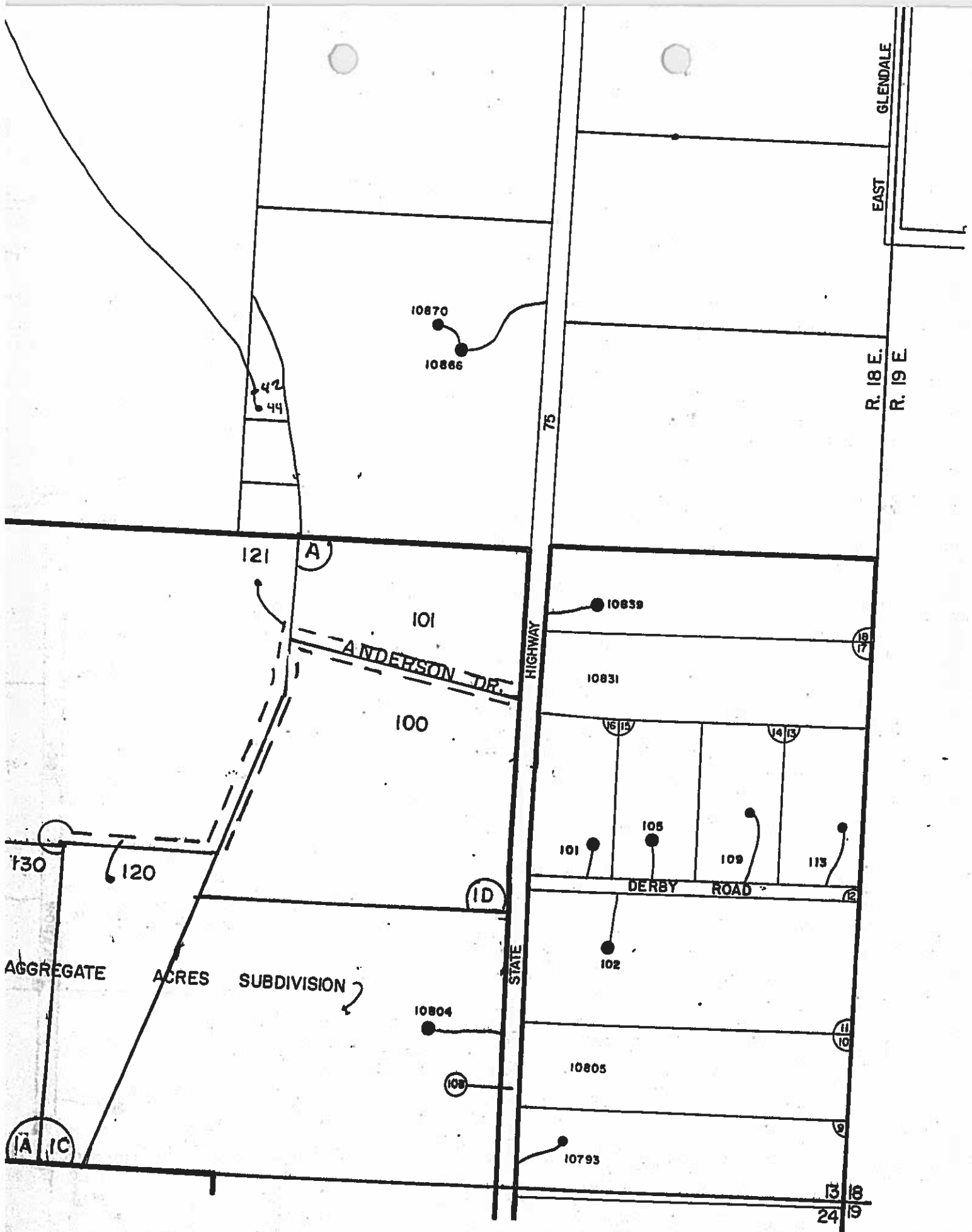
June 15, 1884

A37-00308 46 inches, priority date .42

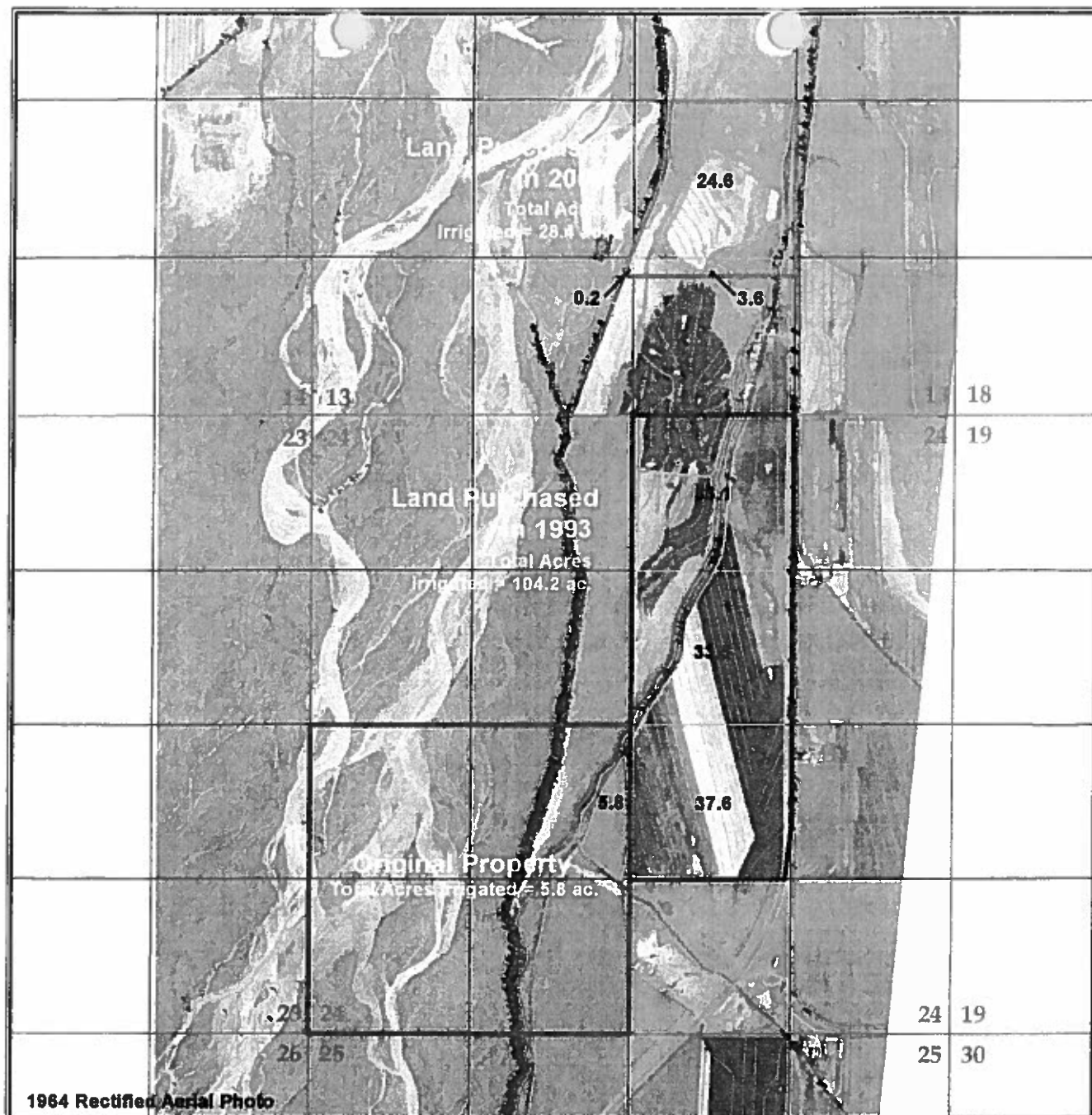
May 14, 1886

3.32

portion to
was app'd
to Lot 1D
Parcel A



NOT SUBMITTED BY CLAIMANT/PAGE 2215 BLAINE CO
SEC. 13. T1N D10E SUBDIVISION PLATS



Walker Sand and Gravel Historical Usage

-  Land Purchased in 1993 from Heath-Marshall, Inc.
-  Land Purchased in 2001 from Heath-Marshall, Inc.
-  Original Property
-  Irrigated Acreage in 1964
-  Section Lines
-  Quarter Section Lines



LIMITED POWER OF ATTORNEY

RECEIVED
NOV 15 2002
Department of Water Resources
Southam Region

KNOWN ALL MEN BY THESE PRESENT:

I, Jim Walker, hereby nominate and appoint
Charles G. Brockway as my attorney-in-fact with full authority to
act for and on my behalf to undertake any and all acts or matters pertaining to water right
transfers before the Idaho Department of Water Resources for the following water right
transactions:

Permit application for 25.0 acres of irrigation in the NESW Sec. 24, T. 1 N., R. 18.E.
and permit application for industrial use in the SW1/4 Sec. 24, T. 1 N., R. 18 E.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 29 day of Oct, 2002

[Signature]
Signature

[Signature]
Signature

State of Idaho)

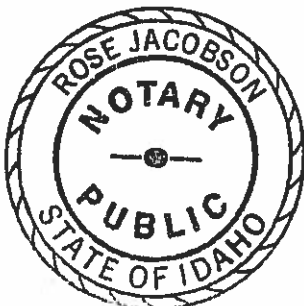
County of Blaine)

ss.

On this 29 Day of Oct, 2002, before me, a Notary Public
in and for said County and State, personally appeared Jim R. Walker,
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

S
E
A
L



[Signature]
Notary Public

In and for said State and County

7/17/2004
My Commission Expires

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-00308A**

Date Received: 4/20/1989

Receipt No: X777777

Received By: *split-ownership
change* *J*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HEATH MARSHALL INC 208-233-1121
Address: PO BOX 250
POCATELLO ID 83204

2. Date of Priority: MAY 14, 1886

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	36	SW	NW			BLAINE

5. Description of diverting works:
HEADGATE #45, DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.920		

7. Total Quantity Appropriated is:
0.920 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	13	NW	SE		IRR	14.5
			SW	SE		IRR	2.5

Section Acres 17.0

10. Place of Use: Continued

Total Acres 17.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-00235C, 00236A

14. Remarks:

TRANS. 258.

6.6 CFS DECREED WOOD RIVER WATER CLAIMED & USED ON 101 ACRES.

THIS IS A PORTION OF A37-00308 WHICH WAS SPLIT WHEN HEATH-

MARSHALL INC SOLD THE 84 ACRES IN SECTION 24 AND .68 CFS TO JIM

AND JO AN WALKER. COPY OF DEED AND MAP SUBMITTED. 2/24/98 jr

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.

Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

FEB 08 1996

DATE OF CLOSING: 6-7-1993

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.

Department of Water Resource
Southern Region

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)

Assigned by IDWR: A37-00235A, 00236, 00308

☐ Name and Address of Former Owner/Claimant(s)(Seller):

Heath-Marshall Inc.

PO Box 250, Pocatello, ID 83204

☐ New Owner/Claimant (Purchaser):

Jim J. Walker &/or Jo An S. Walker

☐ New Mailing Address:

PO Box 400

Bellevue, ID 83313

☐ New Telephone Number:

(208) 788 - 4525

☐ Does the change in ownership result in a splitting of the water right owned/claimed? x yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

A37-00235A: 0.42 cfs; A37-00236: 1.68 cfs; A37-00308: 0.68 cfs.

Place of Use : 84 acres in Sec. 24 T. 1N R. 18E

☐ Attach proof of ownership, describe proof attached:

Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s)

Date 2/13/98

Date _____

☐ Signature of Former Owner/Claimant(s):

HEATH - MARSHALL, INC

Date 2-5-96

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data Entry

Date: 9/10/97

By: THP

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data Entry

Date: 2/24/98

By: [Signature]

Claim Numbers of Split, if any:

A37-00235 C & D

A37-00236 A & B

A37-00308 A & B

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

THIS INDENTURE, Made this 24 day of July

in the year of our Lord one thousand nine hundred and seventy-one, between
EDWARD W. STRICKER and BARBARA JEANNINE STRICKER, husband and wife

of Bellevue, County of Blaine, State of Idaho

the parties of the first part, and JOHN F. HEATH and LORETTA J. HEATH, husband and wife of Ketchum, Blaine County, State of Idaho, and GLEN S. MARSHALL and MARGARET L. MARSHALL, husband and wife - Box 1210, Pocatello, Idaho, 83201

of Pocatello, County of Bannock, State of Idaho

the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of SEVENTY SIX THOUSAND FIVE HUNDRED AND NO/100-----

DOLLARS,

lawful money of the United States of America,

to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of Blaine, State of Idaho, to-wit:

TOWNSHIP 1 NORTH of RANGE 18 EAST of the BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO:

SW $\frac{1}{4}$ SW $\frac{1}{4}$;

SECTION 13: E $\frac{1}{2}$ SW $\frac{1}{4}$; all of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ EXCEPT Highway right of way, designated as Tax Lot 1371 on Blaine County Tax Assessor's Rolls; all of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ EXCEPT Highway right of way, designated as Tax Lot 1372 on Blaine County Tax Assessor's Rolls;

SECTION 24: All of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ EXCEPT Highway right of way, designated as Tax Lot 1368 on Blaine County Tax Assessor's Rolls; all of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ EXCEPT Highway right of way, designated as Tax Lot 1369 on Blaine County Tax Assessor's Rolls; All of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ EXCEPT Highway right of way designated as Tax Lot 1370 on Blaine County Tax Assessor's Rolls.

Together with all water, water rights and ditches appurtenant thereto.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

RECEIVED

FEB 09 1995

Department of Water Resources
Southern Region

T# 4756

No. 214227

WARRANTY DEED

— TO —

Dated _____, 19__

STATE OF IDAHO,

COUNTY OF Blaine

by certify that this instrument was filed
for record at request of

30 minutes past 4:00

o'clock P. M. this 24 day

of April A. D. 1981

in my office, and duly recorded in Book _____

of _____ at page _____

Marie Dine Lopez

By Hager Baker Deputy.

Fees, \$ 4.00

Mall to _____

No. 219446

corrected

STATE OF IDAHO,
COUNTY OF BLAINE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT THE REQUEST OF

Heath & Marshall

AT 10:05 O'CLOCK A.M.

Sept 21 A. D. 1981

RECORDED IN BOOK _____ ON PAGE _____

OF Deed

MARIE IVIE

EX-OFFICIO RECORDER

BY Mary Sheen

DEPUTY

FEES \$ 4.00

ENTERED & ENTERED ON MARGIN

FILED 0 INDEXED 1st PARTY 0

COMPARED 0 INDEXED 2nd PARTY 0

B of 1210

portable son



COUNTY OF Blaine

STATE OF IDAHO,

ss.

day of July

In the year 19 71, before me

a Notary Public

IN WITNESS WHEREOF, The said parties
and seal s the day and year first above written.
SIGNED, SEALED AND DELIVERED IN PRESENCE OF

_____ [Seal]
_____ [Seal]
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_____ [Seal]
_____ [Seal]

DEED

FOR VALUE RECEIVED, Ten dollars and other valuable consideration
HEATH-MARSHALL, INC., P.O. Box 250, POCATELLO, ID., 83204
a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant,
Bargain, Sell and Convey unto JIM J. WALKER AND JO AN S. WALKER, HUSBAND AND WIFE,
P.O. Box 400, BELLEVUE, ID., 83313.
grantee, the following described real estate, to-wit:

LOT THREE (3) AGGREGATE ACRES SUBDIVISION, LOCATED WITHIN SECTION 24,
TOWNSHIP ONE NORTH, RANGE 18 EAST, B.M., BLAINE COUNTY, IDAHO.

TOGETHER WITH IRRIGATION WATER RIGHTS INCLUDING 21 INCHES OF 1883
DATE OF DECREE, 84 INCHES OF 1884 DATE OF DECREE, AND 34 INCHES OF
1886 DATE OF DECREE WATER, AND DITCHES APPURTENANT THERETO.

SUBJECT TO REAL ESTATE TAXES FOR THE YEAR OF 1993 AND THEREAFTER.

SUBJECT TO LEVIES AND ASSESSMENTS OF WOOD RIVER VALLEY IRRIGATION
DISTRICT No. 37 AND 37M.

SUBJECT TO UTILITY EASEMENTS OF RECORD.

RECEIVED

FEB 09 1995

Department of Water Resources
Southern Region

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee
THEIR heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused
its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its
Secretary this 10TH DAY OF JUNE 1993.

HEATH-MARSHALL-INC.

IDAHO

By

John F. Heath

PRESIDENT.

ATTEST:

Glen S. Marshall

SECRETARY.

STATE OF IDAHO, COUNTY OF

On this 7th day of JUNE, 1993,
before me, a notary public in and for said State, personally
appeared JOHN F. HEATH and

GLEN S. MARSHALL, known to me to
be the President and Secretary of the corporation that exe-
cuted this instrument or the persons who executed the instru-
ment on behalf of said corporation, and acknowledged to me
that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal, the day and year in this certificate
first above written.

Debbie Jo Rice

Notary Public
Idaho

Residing at Pocatello
Comm. Expires 11-20-98

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

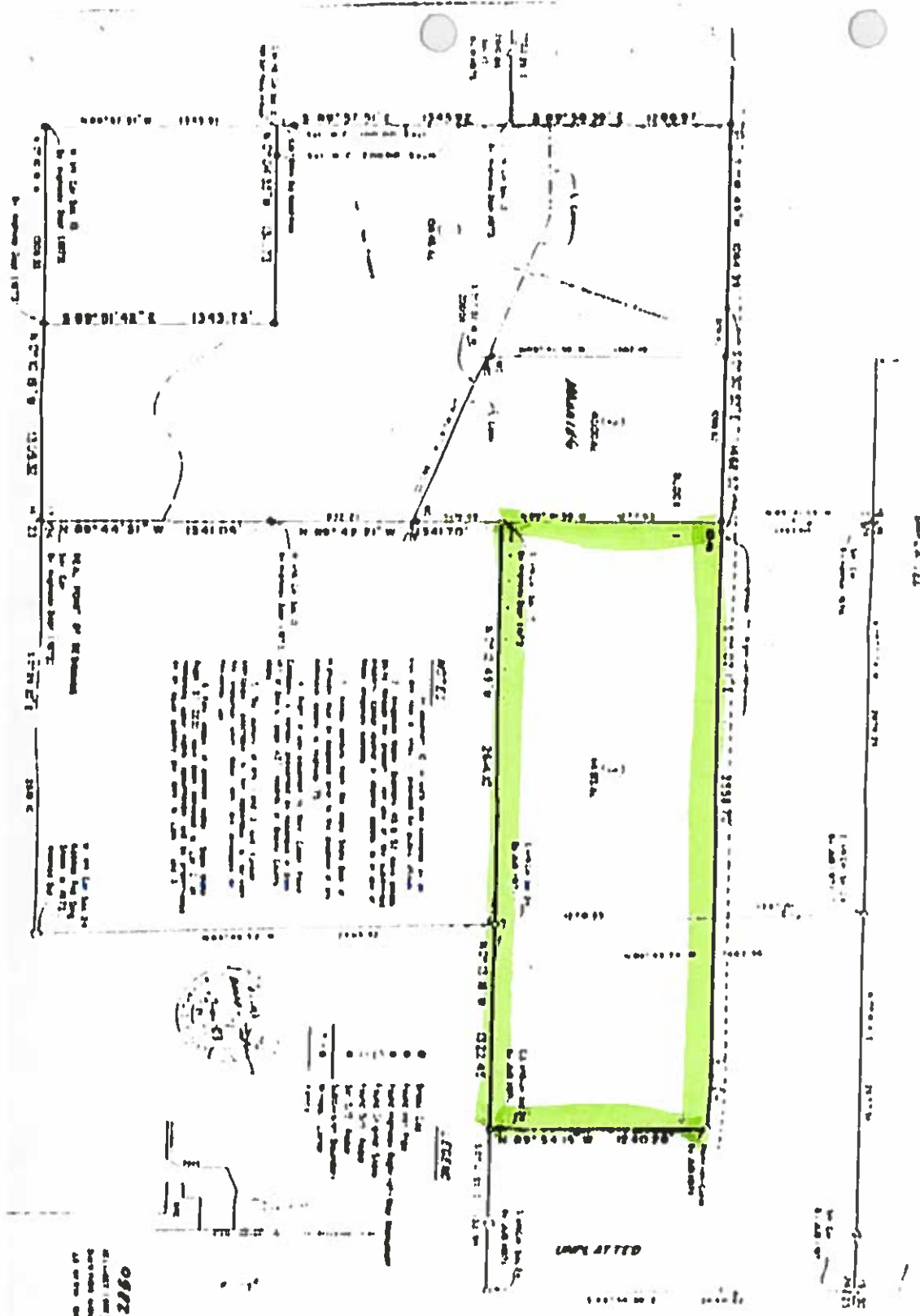
Ex-Officio Recorder

By _____

Deputy.

Fees \$
Mail to:

INSTRUMENT No.



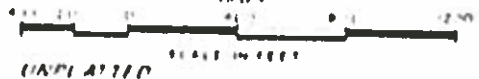
MARSHALL BROTHERS
 COMMERCIAL REALTORS
 107-113-2150
 107-113-2150
 107-113-2150

PLAT SHOWING GATE ACRES SUBDIVISION

SITED WITHIN SECTIONS 13 AND 24, T1N, R18E, B1M

BLAINE COUNTY, IDAHO

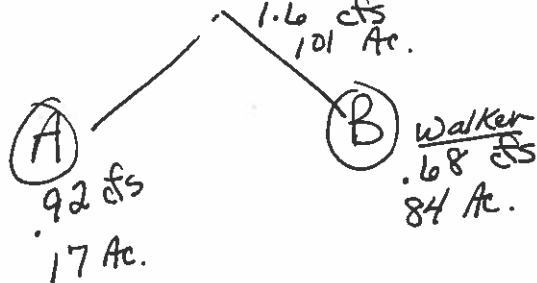
1984



UNPLATTED

SD-0611-2 Basin: 37 Starting Water Right: 00308

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
	37-00308	MATTHAEI, W. E.	C	05/14/1886	D/	BIG WOOD RIVER	IRR DOMEST	WE
	A37-00308	HEATH MARSHALL INC	C	05/14/1886	D/	BIG WOOD RIVER	IRR	AJ



(GOLD6=Print Profile Rpt For All Rights/Claims on Screen)
 (Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)

RECEIVED

FEB 12 1996

Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00308
Date Received: 4/20/1989
Receipt No: S006918
Received By: J. E. Stanton

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: HEATH-MARSHALL INC 208-233-1121
Address: PO BOX 250
POCATELLO ID 83204

2. Date of Priority: MAY 14, 1886

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	36	SW	NW			BLAINE

5. Description of diverting works:
HEADGATE #45, DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.600		

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	13	NW	SE		IRR	14.5
			SW	SE		IRR	2.5

MICROFILMED
NOV 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	17.0
		24	NW	NE	IRR	15.0
			SW	NE	IRR	26.0
			NE	SW	IRR	6.0
			NW	SE	IRR	37.0
					Section Acres	84.0
					Total Acres	101.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-00235A, 00236

14. Remarks:
TRANS. 258.
6.6 CFS DECREED WOOD RIVER WATER CLAIMED & USED ON 101 ACRES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.
Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

MICROFILMED
NOV 22 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00308
Date Received: 4/20/1989
Receipt No: S006918
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HEATH-MARSHALL, INC. 208-233-1121
Address: P.O. BOX 250
POCATELLO, ID 83204

2. Date of Priority: MAY 14, 1886

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	36	SW	NW			BLAINE

5. Description of diverting works:
HEADGATE #45, DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/01	1.600		

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	24	NW	SE		IRR	39.0

Section Acres 39.0

Total Acres 39.0

A37-00308

Page 1

Date: 04/20/89

MICROFILMED
FEB 22 1993

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-00235A, 00236

14. Remarks:
TRANS. 258.
6.6 CFS DECREEED WOOD RIVER WATER CLAIMED & USED ON 115 ACRES.

15. Basis of Claim: DECREEED
Case Number:
Court :
Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____,
Organization document in the space below as _____ of
_____,
Title and that the statements contained in the
_____,
Organization foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) ss.

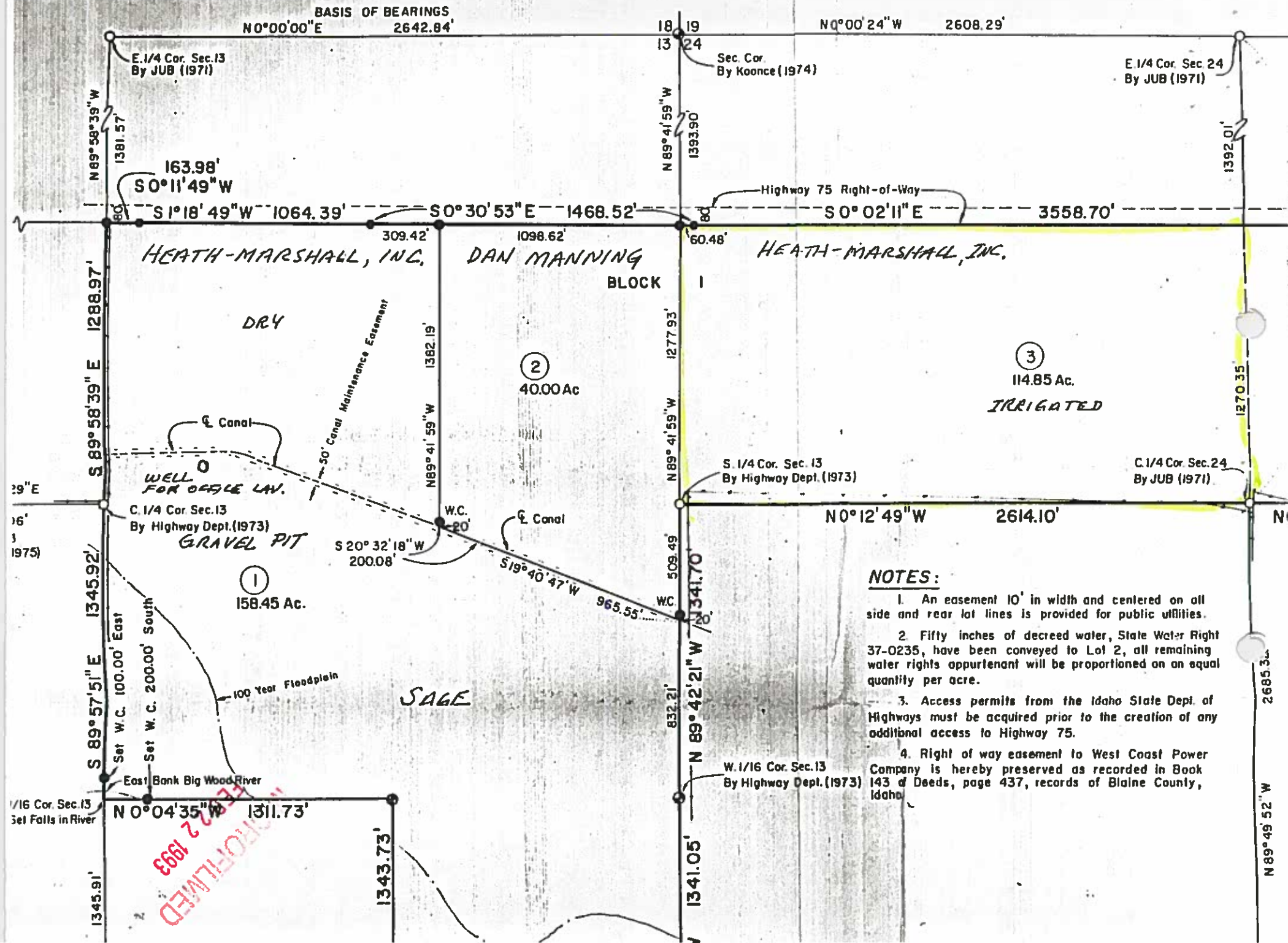
Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



NOTES:

1. An easement 10' in width and centered on all side and rear lot lines is provided for public utilities.
2. Fifty inches of decreed water, State Water Right 37-0235, have been conveyed to Lot 2, all remaining water rights appurtenant will be proportioned on an equal quantity per acre.
3. Access permits from the Idaho State Dept. of Highways must be acquired prior to the creation of any additional access to Highway 75.
4. Right of way easement to West Coast Power Company is hereby preserved as recorded in Book 143 of Deeds, page 437, records of Blaine County, Idaho.

RECORDED
6661-2037-1993

RECEIVED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

APR 19 1989

Department of Water Resources
Southern Region Office
39576

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

137-10308

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) HEATH - MARSHALL, INC Phone (208) 233-1121Mailing Address P.O. BOX 250, POCAHELLO, ID Zip 832042. Date of Priority (Only one (1) per claim) 18863. Source of water supply (a) DISTRICT CANAL
which is tributary to (b) WOOD RIVER4. a. Location of existing point of diversion is: Township 2N Range 18E Section 36,
NE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, E B.M., County of BLAINEAdditional points of diversion if any: NA

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.HEAD GATE # 45 TO DISTRICT CANAL

MICROFILMED
FEB 22 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/1 to 10/1 amount 1.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) N/A

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>1N</u>	<u>18E</u>	<u>24</u>														<u>39</u>			<u>39</u>

Total number of acres irrigated 39

11. In which county (ies) are lands listed above as place of use located? BLAINE

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

SEE BELOW or None ()

14. Remarks:

OUR THREE DECREED WATER RIGHTS (37-0235A -
37-0236 - 37-0308) ARE CO-MINGLED AND ALL
USED TO IRRIGATE 115 ACRES IN SECTION #24

Last Name HEATH-MARSHALL dent No. 37-0308

Copies: White -State, 1009 -Claimant

MICROFILMED
FEB 22 1989

Scale: 2 inches equals 1 mile

Copies: White-State, Yellow-Conimant

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15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date 1886

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am SEC/TREAS

Title

of HEATH-MARSHALL, INC. , that I have signed the foregoing

Organization

document in the space below as SEC/TREAS of HEATH-MARSHALL, INC

Title

Organization

and that the statements contained in the foregoing document are true and correct.

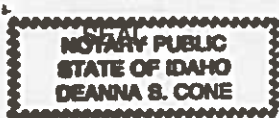
Signature of Authorized Agent Glenn E. Marshall

Title and Organization SEC/TREAS Date 10-20-88

REVISED
4-18-89

State of Idaho/or _____)
County of BANNOCK) SS.

Subscribed and sworn (or affirmed) before me this 18 day of APRIL 19 89



Notary Public Deanna S Cone

Residing at POCATELLO

My Commission Expires 6-8-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
FEB 22 1993

Last Name HEATH-MARSHALL Ident. Number 37-0308

Copies White-State, Yellow-Claimant



Fax Transmittal

(208) 736-8543

Fax (208) 736-8506

2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301

To: Jeanie	Fax Number: 736-3037
From: Chuck Jr.	# pages (incl. cover): 2
Cc:	Date:
Re: 37-308A	

☐ Urgent☒ For Review☐ Please Comment☐ Please Reply**Comments:**

If all pages are not received, please call (208) 736-8543 or email denette.wallace@brockwayeng.com

12/22/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-308A

NAME AND ADDRESS: JIMMIE R WALKER
PO BOX 400
BELLEVUE ID 83313KATHY M WALKER
PO BOX 400
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.920 CFS

PRIORITY DATE: 05/14/1986

POINT OF DIVERSION: T02N R18E S36 NESWNW Lot 3 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.920 CFS
PLACE OF USE:	<u>IRRIGATION in TWIN FALLS County</u>		
	T09S R15E S18 SENW 14.00	T09S R15E S18 NESW	32.00
	T09S R15E S18 SESW 5.60	T09S R15E S18 SWSB	15.00

66.6 ACRES TOTAL

27.4 The rights listed below are limited to the irrigation of a combined total of
acres in a single irrigation season. Combined Right Nos.: 37-235C, 37-236A,
and 37-308A.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

12/20/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 37-308A

JIMMIE R WALKER
PO BOX 400
BELLEVUE ID 83313
Telephone Number: (208)788-4525

KATHY M WALKER
PO BOX 400
BELLEVUE ID 83313
Telephone Number: (208)788-4525

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

12/20/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-308A
NAME AND ADDRESS: JIMMIE R WALKER
PO BOX 400
BELLEVUE ID 83313
KATHY M WALKER
PO BOX 400
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.920 CFS

PRIORITY DATE: 05/14/1886

POINT OF DIVERSION:
T02N R18E S36 NESWNW Lot 3 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.920 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01N R18E S13 SESW 0.10	T01N R18E S13 NWSE	23.70
	T01N R18E S13 SWSE 3.60		
	27.4 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 27.4 acres in a single irrigation season. Combined Right Nos.: 37-235C, 37-236A, and 37-308A.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

12/19/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-308A
NAME AND ADDRESS: JIMMIE R WALKER
PO BOX 400
BELLEVUE ID 83313
KATHY M WALKER
PO BOX 400
BELLEVUE ID 83313

WM-OK
WR-OK

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.920 CFS
PRIORITY DATE: 05/14/1886
POINT OF DIVERSION:

T02N R18E S36 NESWNW Lot 3 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.920 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S13	SESW	0.10	T01N R18E S13	NWSE	23.70
T01N R18E S13	SWSE	3.60			

27.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 27.4 acres in a single irrigation season. Combined Right Nos.: 37-235C, 37-236A, and 37-308A.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

SRBA Recommendation:

37-308A

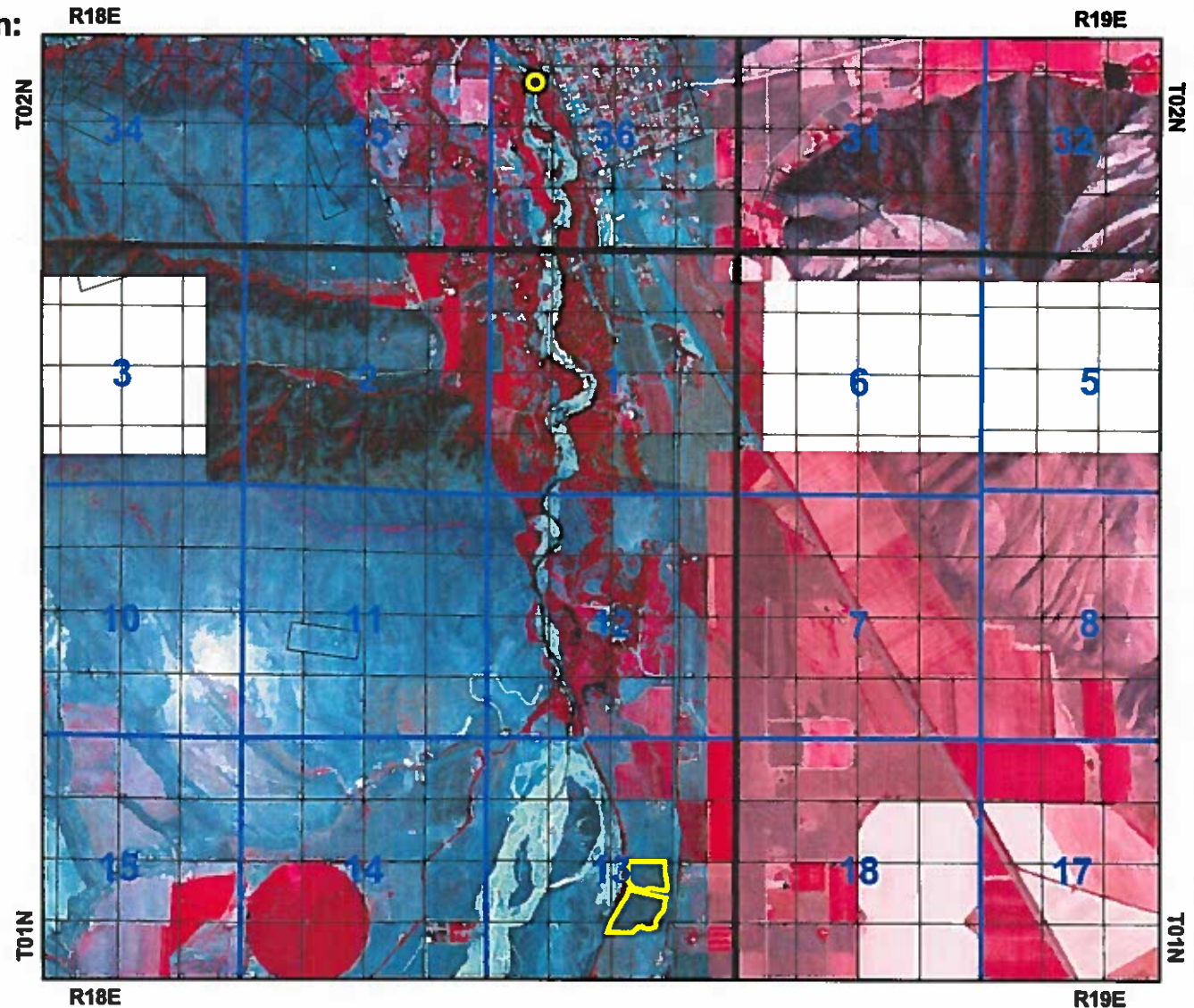
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 2 4 Miles

Prepared by J. Roberts
On Tuesday, December 19, 2006
1987/88 Aerial Photography

Owner: Jimmie R Walker

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

37-308A



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-308A V1

WATER RIGHT NUMBER: 37-308A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JIMMIE R WALKER PO BOX 400 BELLEVUE, ID 83313 (208)788-4525
Original Owner	HEATH MARSHALL INC PO BOX 250 POCATELLO, ID 83204-0250 (208)233-1121
Current Owner	KATHY M WALKER PO BOX 400 BELLEVUE, ID 83313 (208)788-4525

Priority Date: 05/14/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.920 CFS	
	<u>Total Diversion:</u>	0.920 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	L3 (NE1/4SW1/4NW1/4)	Sec. 36, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	13																	27.4
														.1			23.7	3.6	

Total Acres: 27.4

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E56 The rights listed below are limited to the irrigation of a combined total of 27.4 acres in a single irrigation season. Combined Right Nos.: 37-235C, 37-236A, and 37-308A.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-308A V1

Remarks:

Comments:

1. Jroberts 12/19/2006 copied from remarks

Comment: 11/19/2002: CLAIM AMENDED PER NOTICE RECEIVED 11/15/2002. CHANGED POU AND SEASON OF USE. OWNERSHIP CHANGED PER DEED SUBMITTED. - VH
TRANS. 258.

6.6 CFS DECREEED WOOD RIVER WATER CLAIMED & USED ON 101 ACRES.

..... THIS IS A PORTION OF A37-00308 WHICH WAS SPLIT
WHEN HEATH- MARSHALL INC SOLD THE 84 ACRES IN SECTION 24 AND .68 CFS TO JIM AND JO AN WALKER.
COPY OF DEED AND MAP SUBMITTED.

2/24/98 jr

2. Jroberts 12/19/2006 Basis of Recommendation

Comment: Recommended as claimed. Overlaps with two other rights. Initially, there were concerns about the dates of the amended claims and if they were legal or if a transfer should have been filed. It was later determined that the Strickers owned both parcels in Sec. 13 and 24 and sold to Heath-Marshall in the 70s. Heath-Marshall probably did not understand how to file their claims and later hired Brockway to help with the amendments.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-308

WATER RIGHT NUMBER: 37-308

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	E H HENDRICK
	, ZZ
Current Owner	W E MATTHAEI
	HAILEY, ID 83333

Priority Date: 05/14/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /		1.600 CFS	
DOMESTIC	/ to /			
	<u>Total Diversion:</u>		1.600 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 36, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	24									40.0	40.0	40.0	40.0					160.0

Total Acres: 160

DOMESTIC same as IRRIGATIONConditions of Approval:

1. TRANS. 258.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-308

WATER RIGHT NUMBER: 37-308

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HEATH MARSHALL INC PO BOX 250 POCATELLO, ID 83204-0250 (208)233-1121

Priority Date: 05/14/1886

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 36, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	13															14.5	2.5	17.0
01N	18E	24			15.0	26.0					6.0						37.0		84.0

Total Acres: 101

Conditions of Approval:

1. TRANS. 258.
6.6 CFS DECREEED WOOD RIVER WATER CLAIMED & USED ON 101 ACRES.
..... THIS RIGHT HAS BEEN SPLIT AS
FOLLOWS: A37-00308A HEATH-MARSHALL INC .92 CFS 17 AC A37-00308B JIM AND JO AN
WALKER .68 CFS 84 AC 2/24/98 jr

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-308A

WATER RIGHT NUMBER: 37-308A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JIMMIE R WALKER PO BOX 400 BELLEVUE, ID 83313 (208)788-4525
Original Owner	HEATH MARSHALL INC PO BOX 250 POCATELLO, ID 83204-0250 (208)233-1121
Current Owner	KATHY M WALKER PO BOX 400 BELLEVUE, ID 83313 (208)788-4525

Priority Date: 05/14/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.920 CFS	
	<u>Total Diversion:</u>	0.920 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 36, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	13												.2		23.6	3.6		27.4

Total Acres: 27.4

Conditions of Approval:

1. TRANS. 258.
6.6 CFS DECREEED WOOD RIVER WATER CLAIMED & USED ON 101 ACRES.
..... THIS IS A PORTION OF A37-00308 WHICH
WAS SPLIT WHEN HEATH- MARSHALL INC SOLD THE 84 ACRES IN SECTION 24 AND .68 CFS
TO JIM AND JO AN WALKER. COPY OF DEED AND MAP SUBMITTED.
2/24/98 jr

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-308A

2. 11/19/2002: CLAIM AMENDED PER NOTICE RECEIVED 11/15/2002. CHANGED POU AND SEASON OF USE. OWNERSHIP CHANGED PER DEED SUBMITTED. - VH

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-308B

WATER RIGHT NUMBER: 37-308B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WALKER SAND & GRAVEL LTD CO PO BOX 400 BELLEVUE, ID 83313 (208)-788-4893
Original Owner	JO AN S WALKER PO BOX 400 BELLEVUE, ID 83313 (208)788-4525
Original Owner	JIM J WALKER PO BOX 400 BELLEVUE, ID 83313 (208)788-2866

Priority Date: 05/14/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.680 CFS	
	<u>Total Diversion:</u>	0.680 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 36, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	24		33.1	33.5						5.8					37.6			110.0

Total Acres: 110

Conditions of Approval:

- 11/19/2002: CLAIM AMENDED PER NOTICE RECEIVED 11/15/2002. CHANGED POU AND SEASON OF USE. OWNERSHIP CHANGE PROCESSED PER DEEDS SUBMITTED - VH

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-308B

2. TRANS. 258.
6.6 CFS DECREED WOOD RIVER WATER CLAIMED & USED ON 101 ACRES.
***** THIS IS A PORTION OF A37-00308 WHICH
WAS SPLIT AS THE RESULT OF AN OWNERSHIP CHANGE ON A PORTION OF THE RIGHT.
2/24/98 jr

Remarks:

Comments:

Water Supply Bank:

NOTE TO FILE

From: Vikie Hancock

11/19/02

Regarding: Claim numbers 37-235C & D, 37-236A & B, 37-308A & B

As pointed out in Jim Stanton's letter to Mr. Marshall in 1996, these claims as originally filed, amended, and now amended again in 2002 possibly do not reflect the correct valid configuration of the above water rights. It does, however appear that Jimmie R. Walker / Jim J. Walker / Walker Sand and Gravel do own all the property included in the SRBA claims per the deeds submitted 11/15/02.

Note that at this time the claimants are also applying for two permits, one for industrial use and one for 25 acres of irrigation which they state began in 1983.

Change of ownership of 37-235C, 37-236A and 37-308A was processed based upon the signed amendment of claim and enclosed deed.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED

NOV 15 2002

Department of Water Resources
Southern Region

November 15, 2002

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Water right applications and SRBA claims – Walker
Project No. 529-01-2001

Dear Allen:

Enclosed are the following applications and claims for Walker Sand and Gravel Ltd. Co., and for Jimmie R. and Kathy M. Walker:

Permit Application #1: Industrial use

This permit will cover additional non-consumptive use from a well known as the "Crusher Well" which has occurred due to increased pump size. The permit also provides for an additional 400 gpm for future expansion. If this permit is approved, a total of 5.90 cfs (2650 gpm) would be allowed from all wells.

Water from the industrial wells is withdrawn for use in the facility for washing gravel and sand. Spent water is directed to an existing recharge pit, where it returns to the aquifer rapidly by infiltration in the gravelly soil. This recharge pond has been in use at least since the original permit 37-8136 was acquired in the early 1980s. Another permit, 37-8532, with a priority date of 7/20/1989, also covers the industrial use. Both of these permits were granted prior to the moratorium on new consumptive use water rights. Therefore, any consumptive use which may be inherent in the water use, or which may occur by evaporation from the recharge pit, is covered by these earlier rights. The recharge pit covers approximately 4.4 acres, and is located in soil designated by the SCS as the Balaam-Adamson-Riverwash complex. This soil has an infiltration rate ranging from 8 ft/day in the upper layers to over 40 ft/day in cobble layers beginning about 1.5 feet below ground. To recharge the total well discharge, an infiltration rate of only 2.66 ft/day is required; therefore, the pit is easily capable of recharging the total well discharge with insignificant increase in water depth or water surface area. Therefore, the new

permit application will not result in an increase in consumptive use over historical usage.

Permit Application #2: Irrigation.

Irrigation of 25.0 acres in the location shown on the attached map commenced in 1983 and has continued to the present. Water for this irrigation has been drawn from the well known as the "Valley Paving Well" and applied to the land with wheel line sprinkler systems. A water right permit was not acquired for this usage. The applicant recently became aware of the lack of a permit for this usage, and is requesting that this permit application be processed based on beneficial use that began prior to the moratorium. This land has not been irrigated with surface water; a review of historical photos from 1957, 1964, 1969, and 1977 confirms this.

An affidavit by Jim J. Walker is being submitted in support of this permit application. Mr. Walker testifies that the usage began in 1983 and has continued to the present, and that no other water, including surface water, has been used on this land.

An aerial photo workup of the 1987 infrared photo is also being submitted, showing this land clearly irrigated at that time.

Amendments to SRBA claims 37-235C, 37-236A, and 37-308A.

These claim amendments are being filed to correct the place of use description based on documented historical use. The claims are appurtenant to the north parcel purchased from Heath-Marshall in 2001. The acreage claimed is based on the 1964 aerial photo, which shows 28.4 acres irrigated as indicated on the attached map. Ownership of this land is in the name of Jimmie R. Walker and Kathy M. Walker, as evidenced by the attached deed.

Amendments to SRBA claims 37-235D, 37-236B, and 37-308B.

These claim amendments are being filed to correct the place of use description based on documented historical use. The claims are appurtenant to the south parcel purchased from Heath-Marshall in 1993, plus a small amount of historical irrigation on the original Walker property, as indicated on the

attached map. The acreage claimed is based on the 1964 aerial photo, which shows 110.0 acres irrigated. This land is in the name of Walker Sand and Gravel, as evidenced by the attached deed.

Fees for the applications and claims are being submitted as follows:

Permit #1	3.47 cfs	\$370
Permit #2	0.50 cfs	\$250
Claims – north	10 unclaimed acres	\$10
<u>Claims – south</u>	<u>26 unclaimd acres</u>	<u>\$26</u>
TOTAL		\$656

Enclosed is Brockway Engineering check #4040 for \$656.00.

Sincerely,

Charles G. Brockway, P.E.

Enc.

cc: Jim Walker



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 25, 1998

HEATH MARSHALL INC
PO BOX 250
POCATELLO ID 83204

RE: SRBA CLAIMS A37-00235A, A37-00236, AND A37-00308

DEAR CLAIMANTS:

Pursuant to the notification that you sold a portion of the property to which the above referenced adjudication claims are appurtenant, the Department has split the original claims. Your portions have been renumbered to A37-00235C, A37-00236A, and A37-00308A. Please find enclosed copies of the computer generated claims noting the changes.

Please review the record and if you have any corrections, notify this office.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

/jr
Enclosures:

INTER-DEPARTMENT MEMO

TO: DOUG JONES / JIM STANTONFROM: STEVE CLELLANDSUBJECT: AMENDED CLAIMS
A37-00236, -308DATE: -235A
2-13-96

I was asked to review these files for proper form and content. I found nothing significant except the item #8 no Consumptive use amount.

However - It would be to everyone's interest to include a memo to these files explaining the following items:

- 1) Jim Stanton's contact w/ claimants?
2) Amended portions and why they are different?
3) Map (if not part of original claim)?
4) §12-1409A(3) - what is the response from the Director To show good cause?

(X) For your information

() Response required

signature

* all data entry is complete - files ready to

MICROFILMED
NOV 27 1996

permission to
and not (26)
were pol
had second
and notice.
2/6/97



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

Glen S. Marshall
Heath-Marshall Inc.
PO Box 250
Pocatello, ID
83204

January 25, 1996

RE: Snake River Basin Adjudication Claims A37-00235A, 00236,
00308; Application for Transfer #4756

Dear Mr. Marshall;

As we discussed when I assisted you in applying for this transfer, the water rights and SRBA claims involved are a mess. The water rights are not used on the land they were decreed to, and the claims do not reflect this historic place of use of these rights. I was hoping that your transfer could be processed without dealing with these problems, but this is not the case. Before the transfer can be sent to our Boise office for final action, these problems must be addressed.

With regard to Right 37-00308, we need proof that you own this right. I recall that you mentioned that the right had been made appurtenant to your land (including the property you sold to Jim Walker) before your purchased the ground. We have no record of this, however, so you will need to research courthouse records or other sources to substantiate your ownership of this right. The land was originally decreed to the SW 1/4 of Sec. 24, most of which is west of the Bypass Canal.

The SRBA claims need to be amended to show the correct place of use. As filed, each claim covers one third of Lot 3 of Aggregate Acres Subdivision, all of which is in Sec. 24. This land is now owned by Jim Walker. Your land in Sec. 13 is not even covered by these claims, which makes it appear that you have no water rights to transfer. It would be best if you could come to the Twin Falls office to amend the claims. Once this is done, the claims can then be split between you and Mr. Walker.

You also need to fill out a form for excessive irrigation flows so that we can determine how much water is required to properly irrigate your land. The transfer, and your SRBA claims, will be

MICROFILMED
NOV 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

limited to the flow rates that are actually needed for your particular system. Rather than wait for a future SRBA determination on this, we are now doing this as part of transfer processing. If land is being sprinkled, a flow rate of not over 0.02 cfs per acre will be allowed. Under gravity irrigation, the recommended rate will depend on land slope, soil type, and the actual irrigation practices used. Will you be pumping from the Bypass Canal for irrigation, or diverting via gravity flow?

Your application will be in the advertizing/protest phase until February 2. Assuming that no protests are received, we could send the file to Boise for final action soon after that. However, these problems will have to be resolved before that can be done.

If you have any questions, please feel free to contact me.

Sincerely,

James E. Stanton
Sr. Water Resource Agent

cc: Anderson Asphalt Paving Co.
— Doug Jones, SRBA

MICROFILMED
NOV 22 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-30
Fax (208) 736-30

PHILIP L. BALI
Governor

KARL J. DREHLE
Director

Glen Marshall
Heath-Marshall Inc.
PO Box 250
Pocatello
83204

February 9, 1996

RE: Snake River Basin Adjudication Claims A37-00235A, 00236,
00308

Dear Mr. Marshall;

We have received your amended SRBA claims, but these documents are not acceptable due to the lack of notarized signatures. I have therefore prepared new claims for your signature. Please sign each claim on Page 3 before a notary before returning them to me for processing.

As you are aware, the question of forfeiture of these rights for non-use has been raised. Filing SRBA claims does not protect water rights from possible forfeiture, and a determination of forfeiture is a standard part of the claim-investigation process that all claims are subject to sooner or later. Since this question has been raised due to your pending transfer, you may wish to start looking for evidence to support your use of these water rights during the last five years. If we obtain clear evidence that your land has not been irrigated for the last five years when water was available, it may not be possible to approve the proposed transfer.

Sincerely,

James E. Stanton
Sr. Water Resource Agent

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NOV 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-
Fax (208) 736-

PHILIP E. BAL
Governor

KARL J. DREH
Director

Glen S. Marshall
PO Box 66
Etna, WY
83118

January 29, 1996

RE: Application for Transfer #4756, Claims A37-00235A, 00236,
00308

Dear Mr. Marshall;

As a follow-up to my letter of last week, I have prepared amended claims for your signature. I have also prepared a change-of-ownership form to split these claims between you and Jim Walker. The claims have been amended to reflect the 101 acres of land that I found to be irrigated with these rights during a field inspection done while preparing the above-referenced transfer. I also changed to period of use to the standard April 15 to October 15. The ownership change is based on the deed that was executed in 1993.

If these documents are satisfactory, they need to be signed and returned to this office. The other items mentioned in my previous letter still need to be addressed, but they presumably do not require your signature. If we can obtain the needed information from Mr. Anderson or someone else, you will not need to visit our office.

Sincerely,

James E. Stanton
Sr. Water Resource Agent

cc: Anderson Asphalt Paving Co.
Doug Jones, SRBA
Jim J. Walker

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DRY

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12 7

13 18

13 18

12 19

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INTER-DEPARTMENT MEMO

TO: Doug JONES / Jim STANTON

FROM: STEVE CLELAND

SUBJECT: AMENDED CLAIM:
A37-00236, -308

DATE: -235A

2-13-96

I was asked to review these files for proper form and content. I found nothing significant except the item #8 no Consumptive use amount.

However - It would be to everyone's interest to include a memo to these files explaining the following items:

- 1) Jim Stanton's contact w/ claimants?
- 2) Amended portions and why they are different?
- 3) Map (if not part of original claim)
- 4) § 92-1409A(3) - what is the response from the Director

(X) For your information

() Response required

To show good cause?

signature

* all data entry is complete - files read to P.O. 10/11/96

NOV 22 1996

MARSHALL BROTHERS

COMMERCIAL AND INDUSTRIAL REAL ESTATE

STATION SQUARE

200 SOUTH MAIN

BOX 250 (208) 233-1121

POCATELLO, IDAHO 83204

April 18, 1989

RECEIVED

APR 19 1989

Idaho Department of Water Resources
Southern Region
2148 4th Ave East
Twin Falls, ID., 83301

Department of Water Resources
Southern Region Office

Attention: Lori White, Water Agent

Re: Heath-Marshall, Inc., Notices of Water Rights

We enclose herewith the original Notice of Claim, the SRBA Claims Receiving Checklist, four revised Notice of Claim to a Water Right, together with our check # 341 in the amount of \$139.85, and our check #349 in the amount of \$150.15 for a total of \$290.00 fees paid.

The ident. numbers on the claims we secured from the Wood River Irrigation District No. 45 and their records indicate that our 1886 for 1.6 CFS is listed as #37-0308, whereas your checklist indicated a #37-00234A which we can't identify. If the numbers which we used on our claims are incorrect, please advise.

We trust that the enclosed will complete our claims, however, if additional corrections are required, please advise.

Very truly yours,

Glen S. Marshall
Glen S. Marshall
Agent for Heath-Marshall, Inc.

encl - 8

MICROFILMED
FEB 22 1993

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

RECEIVED

CLAIMANT'S NAME Heath Marsh, Inc

CLAIM ENT. NO. 437

DATE RECEIVED 10-27-88

CK # 341

AMOUNT \$ 139.85

APR 19 1989

NO

1. Is the name and address complete with zip code?

Department of Water Resources
Southern Region Office

if it is not

opened after
water wells using
ed after
E IF CLAIM IS
(APPLICATIONS)
S.

Please complete 1 claim
form per water right.
The domestic well goes
on the green + white form,
the irrigation rights on
the black + white forms.
Total fee = \$340. Instructions
are enclosed.

Sincerely,
Lori White, Water Agent

form is limited
All claims that
rm.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

Is the consumptive use correct?

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

15. Is the basis of the claim indicated?

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

Has the claim been signed, sealed, and dated by a notary?

Was this claim filed on time, or was an extension granted?

Is the fee enclosed correct?

Exempt

If this claim is based on an existing water right, has the identification number been entered?

N/A

Should this claim be receipted and data entered?

Claim checked by:

CT

Comments: Correct Fee is \$165.00 Appears to be trying to
lump several water rights under 1 claim. cover

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FEB 22 1993